

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
Baltimore County, Maryland

In the Matter of

Civil Citation No. 56282

Roberto Nunez
Gladys Nunez

20 Greenview Avenue

Respondents

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Code Enforcement Hearing Officer for the Department of Permits and Development Management on August 5, 2009 for a Hearing on a citation for violations under the Baltimore County Zoning Regulations (BCZR) section 101, 102.1, 1B01.1A, 428, failure to cease outside storage of an unlicensed vehicle on residential property known as 20 Greenview Avenue, 21136.

On July 21, 2009, pursuant to Baltimore County Code §3-6-205, Inspector Lavette Street issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$400.00 (four hundred dollars).

The following persons appeared for the Hearing and testified: Roberto Nunez, Respondent and, Christina Frink, Baltimore County Code Enforcement Officer.

After proper consideration of all the evidence and testimony presented, the Hearing Officer finds:

A. A Correction Notice was issued on February 11, 2009 for license or removal of untagged vehicle. Inspector Lavette Street sent an additional warning letter on March 12, 2009, advising Respondents that zoning regulations require them to remove or put current tags on the unlicensed vehicle in their driveway. A Citation was issued on March 31, 2009, and a Hearing was held on April 22, 2009. Respondents failed to appear for the Hearing. The Final Order issued on April 27, 2009 imposed a \$600.00 civil penalty with the opportunity to reduce the penalty to \$50.00 (fifty dollars) if the violation was corrected by May 12, 2009. This Citation was issued on July 1, 2009.

B. Photographs in the file show a white Ford van with no license plates parked in the driveway. County zoning regulations prohibit the outside storage of inoperative motor vehicles on a residential lot. BCZR Section 428.1(A). The outside storage of unlicensed motor vehicles is also prohibited, except for one vehicle per dwelling unit for a period not exceeding 15 days in any calendar year. Section 428.1(B). Respondents have violated these zoning regulations, and are subject to civil penalties and the possible towing and removal of the vehicle if it is not properly tagged or removed.

C. Respondent Roberto Nunez testified that he is currently unemployed and cannot afford to tag and insure the vehicle. He further testified that he will sell it or give it away. Because compliance is the goal of code enforcement, the civil penalty imposed below will be rescinded if the violation is corrected within the time provided.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$400.00 (four hundred dollars).

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty, as authorized, above shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the civil penalty will be RESCINDED and reduced to zero dollars if the violation is corrected by August 21, 2009, with the vehicle either removed from the property or properly licensed.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 10th day of August 2009.

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer

NOTICE TO RESPONDENT: The Respondent is advised that (1) pursuant to §3-6-206(g)(2) of the Baltimore County Code, the Respondent may make written application to the Director of the Department of Permits & Development Management within 10 days to modify or amend this order and (2) pursuant to §3-6-301(a), Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security to satisfy the penalty assessed.